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Individually and as Mother to CORBIN JAEGER and as Personal  
Representative of the Estate of CORBIN LEE JAEGER, Deceased

**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF TEXAS, LUBBOCK DIVISION**

KAREN DI PIAZZA, Individually and As  
Mother to CORBIN JAEGER and As  
Personal Representative of the Estate of  
CORBIN LEE JAEGER, Deceased,

Plaintiff,

v.

WEATHER GROUP TELEVISION, LLC  
dba THE WEATHER CHANNEL, a  
Georgia limited liability company;  
WEATHER GROUP, LLC, a Delaware  
limited liability company; CF  
ENTERTAINMENT, INC. dba  
ENTERTAINMENT STUDIOS, a California  
corporation; ENTERTAINMENT STUDIOS  
NETWORKS, INC., a California  
corporation; ENTERTAINMENT STUDIOS  
MEDIA, INC., a California corporation;  
ENTERTAINMENT STUDIOS MEDIA  
HOLDINGS, INC., a Delaware corporation;  
NBCUNIVERSAL MEDIA, LLC, a  
Delaware limited liability company; BAIN  
CAPITAL INVESTORS, LLC, a Delaware  
limited liability company; THE  
BLACKSTONE GROUP, INC., a Delaware  
corporation; TV HOLDINGS 1, LLC, a  
Delaware limited liability company; TV  
HOLDINGS 2, LLC, a Delaware limited

**PLAINTIFF'S THIRD AMENDED  
COMPLAINT**

**CASE NO. 5-19CV0060-C**

liability company; TV SPINCO LLC, a  
Delaware limited liability company;  
SHEENA BITTLE as Personal  
Representative of the Estate of KELLEY  
GENE WILLIAMSON; KEITH DANIELS as  
Personal Representative of the Estate of  
RANDALL D. YARNALL,

Defendants.

**PLAINTIFF'S THIRD AMENDED COMPLAINT**

TO THE HONORABLE UNITED STATES DISTRICT COURT:

COMES NOW KAREN DI PIAZZA, Individually and as Mother to CORBIN  
JAEGER, as Personal Representative of the Estate of CORBIN LEE JAEGER, Deceased  
("Plaintiff") and on behalf and for the benefit of all parties entitled to bring such causes of  
action for the death of CORBIN LEE JAEGER, complaining of WEATHER GROUP  
TELEVISION, LLC dba THE WEATHER CHANNEL ("Weather Channel"); WEATHER  
GROUP, LLC ("Weather Group") (Weather Channel and Weather Group will hereafter be  
collectively referred to as "TWC"); SHEENA BITTLE as Personal Representative of the  
Estate of KELLEY GENE WILLIAMSON ("ESTATE OF WILLIAMSON"); KEITH DANIELS  
as Personal Representative of the Estate of RANDALL D. YARNALL ("ESTATE OF  
YARNALL") (all named Defendants above shall hereafter be collectively referred to as  
"TWC Defendants"), with this Second Amended Complaint alleges as follows:

**I.**

**NATURE AND PURPOSE OF THE ACTION**

1. This action is brought by the heir and Estate of CORBIN LEE JAEGER  
(DOB-6/11/91) ("JAEGER") who was killed in a horrific two-vehicle collision outside the  
town of Spur, Texas on March 28, 2017. JAEGER was killed when a Chevrolet Suburban  
SUV, Missouri License Plate Number 7SY297 ("Suburban"), driven by Randall Yarnall  
("Yarnall") and occupied by Kelley Gene Williamson ("Williamson") ran a stop sign at  
seventy (70) miles per hour while racing towards a tornado to film that tornado on behalf  
of TWC and collided with JAEGER'S vehicle, a 2012 Jeep Patriot ("Jeep"), while the Jeep

1 had the right of way on westbound FM2794. The accident occurred approximately 55 miles  
 2 southeast of Lubbock and 5 miles west of the town of Spur, in Dickens County, Texas, at  
 3 the intersection of FM 2794 and County Road 419, the latter also known as Farm to Market  
 4 Road 1081 ("FM 1081") (all collectively, the "Subject Accident").

5         2. Yarnall and Williamson, who also died in the collision, were in the course  
 6 and scope of their employment as storm chasers and television personalities with TWC  
 7 when their Suburban ran the stop sign on northbound FM 1081. Plaintiff alleges that the  
 8 Suburban, which was filled with broadcasting, radar and other storm chasing equipment,  
 9 was being operated by and for the benefit of TWC as a mobile broadcasting studio and to  
 10 film severe weather and to collect film footage for the TWC show "STORM WRANGLERS,  
 11 SEASON 2," which television show starred Williamson and Yarnall as storm chasers,  
 12 inclusive of chasing tornados across the United States, when it collided with the Jeep  
 13 being driven by JAEGER. Furthermore, Yarnall and Williamson had a history of reckless  
 14 driving when storm chasing and when filming TWC's television programming, which was  
 15 well known among other storm chasers and TWC. TWC was aware of this history because  
 16 it: (1) had been warned by other storm chasers on several occasions before the Subject  
 17 Accident that Yarnall and Williamson's driving put others at risk; and (2) had witnessed  
 18 the pair's dangerous driving during live video feeds of their storm chasing, which was  
 19 broadcast to TWC's studio and in the editing of its television program, STORM  
 20 WRANGLERS. However, despite this knowledge of the risk posed by their  
 21 employees/agents, TWC continued to allow Yarnall and Williamson to work as on-air storm  
 22 chasers and to record footage of "the chase" and of storms to be used in the "STORM  
 23 WRANGLERS" television program, which ultimately led to JAEGER'S tragic and  
 24 completely avoidable demise.

25         3. Plaintiff brings these wrongful death and survivor claims under Texas Civil  
 26 Practice & Remedies Code sections 71.002 and 71.021 on behalf of herself as well as for  
 27 the benefit of all beneficiaries entitled to bring this action pursuant to Texas Civil Practice  
 28 & Remedies Code section 71.004, to recover damages for the death of JAEGER, which

1 were directly and proximately caused by the acts and omissions of Defendants.

2 **II.**

3 **JURISDICTION AND VENUE**

4 4. This court has original jurisdiction over this action pursuant to 28 U.S.C. §  
5 1332 in that the controversy exceeds the sum or value of \$75,000, exclusive of interest  
6 and costs, and is between citizens of different States.

7 5. Venue is appropriate in the United States District Court; Northern District of  
8 Texas, Lubbock Division, since the town of Spur, in Dickens County, Texas was the  
9 location of the Subject Accident that is the basis of the causes of action set forth herein.

10 **III.**

11 **PARTIES**

12 6. Plaintiff KAREN DI PIAZZA ("Plaintiff") resides in Glendale, Arizona, is a  
13 citizen of the State of Arizona, and is the mother of the decedent, JAEGER, who was also  
14 a resident of and domiciled in the state of Arizona at the time of his death. Plaintiff is also  
15 the Personal Representative of the Estate of CORBIN LEE JAEGER. The Estate of  
16 CORBIN LEE JAEGER is being administered in the Superior Court of Arizona, County of  
17 Maricopa, the case titled *In the Matter of the Estate of Corbin Lee Jaeger, Deceased*, Case  
18 No. PB 2018-001588.

19 7. Defendant WEATHER GROUP TELEVISION, LLC dba THE WEATHER  
20 CHANNEL, is a Georgia limited liability company ("Weather Channel") having its principal  
21 place of business located at 300 Interstate North Parkway SE, Atlanta, GA 30339.  
22 Weather Channel's sole member is defendant WEATHER GROUP, LLC, a Delaware  
23 limited liability company ("Weather Group"). Weather Group's sole members are  
24 defendants TV HOLDINGS 1, LLC ("TV1") and TV HOLDINGS 2, LLC ("TV2"). TV1's sole  
25 member is Byron Allen Folks ("FOLKS"), an individual, who is a citizen of the State of  
26 California. TV2's sole member is also FOLKS. This Defendant has been served with  
27 process and has filed an answer. Plaintiff is informed and believes, and thereon alleges,  
28 that Williamson and Yarnall were the employees and/or agents of the Weather Channel

1 and were acting within the course and scope of that employment and/or agency at all times  
2 alleged herein.

3 8. Defendant Weather Group, LLC is a Delaware limited liability company  
4 having its principal place of business located at 300 Interstate North Parkway SE, Atlanta,  
5 GA 30339. Weather Group's sole members are TV1 and TV2, whose sole member is  
6 FOLKS, who is a citizen of the State of California. This Defendant has been served with  
7 process and has filed an answer. Plaintiff is informed and believes, and thereon alleges,  
8 that Williamson and Yarnall were the employees and/or agents of Weather Group, LLC  
9 and were acting within the course and scope of that employment and/or agency at all times  
10 alleged herein.<sup>1</sup>

11 9. Reserved.

12 10. Reserved.

13 11. Reserved.

14 12. Reserved.

15 13. Reserved.

16 14. Reserved.

17 15. Reserved.

18 16. Reserved.

19 17. Reserved.

20 18. Reserved.

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21  
22 <sup>1</sup> On September 9, 2019, previously named Defendants CF ENTERTAINMENT, INC. dba ENTERTAINMENT  
23 STUDIOS, a California corporation; ENTERTAINMENT STUDIOS NETWORKS, INC., a California corporation;  
24 ENTERTAINMENT STUDIOS MEDIA, INC., a California corporation; ENTERTAINMENT STUDIOS MEDIA  
25 HOLDINGS, INC., a Delaware corporation; NBCUNIVERSAL MEDIA, LLC, a Delaware limited liability  
26 company; BAIN CAPITAL INVESTORS, LLC, a Delaware limited liability company; THE BLACKSTONE  
27 GROUP, INC., a Delaware corporation; TV HOLDINGS 1, LLC, a Delaware limited liability company; TV  
28 HOLDINGS 2, LLC, a Delaware limited liability company; and TV SPINCO LLC, a Delaware limited liability  
company (collectively "Out of State Defendants") were ordered dismissed without prejudice by the Court following a  
Motion to Dismiss for Lack of Specific Jurisdiction ("Motion") filed by the Out of State Defendants (Document No.  
106). Accordingly, Plaintiff has removed any reference to the Out of State Defendants from this Third Amended  
Complaint. Notwithstanding, Plaintiff reserves, and does not waive, the right to seek appellate review of the Court's  
ruling on the Motion and/or to seek leave to rename any and/or all of the dismissed Out of State Defendants in these  
proceedings if additional evidence is uncovered, which would warrant renaming any and/or all of these previously  
dismissed Out of State Defendants.

1           19. Defendant SHEENA BITTLE, a citizen of the State of Missouri, is the  
 2           Personal Representative of the Estate of KELLEY GENE WILLIAMSON ("ESTATE OF  
 3           WILLIAMSON"). This Defendant was served with process. This Defendant's Motion to  
 4           Dismiss and Motion for a More Definite Statement was granted in part and denied in part.  
 5           The ESTATE OF WILLIAMSON is being administered in the Barry County Circuit Court,  
 6           state of Missouri, entitled *In re the Estate of Kelly Gene Williamson*, Case No. 17BR-  
 7           PR00069.

8           20. Defendant KEITH DANIELS, a citizen of the State of Missouri, is the  
 9           Personal Representative of the Estate of RANDALL D. YARNALL ("ESTATE OF  
 10          YARNALL"). This Defendant was served with process and has filed an answer. The  
 11          ESTATE OF YARNALL is being administered in the Barry County Circuit Court, state of  
 12          Missouri, entitled *In re the Estate of Randall D. Yarnall, Deceased*, Case No. 18BR-  
 13          PR00052.

14          21. Plaintiff is informed and believes and thereon alleges that at all times herein  
 15          mentioned, one or more and/or each of the TWC Defendants named herein, was and now  
 16          is engaged in a joint enterprise with the remaining TWC Defendants, and was and now is  
 17          the principal, agent, servant, employee, assignee, joint venturer, predecessor-in-interest,  
 18          successor-in-interest, aider and abettor, and/or co-conspirator of each TWC Defendant,  
 19          and in doing the things hereinafter alleged, were acting in the course and scope of their  
 20          joint enterprise and authority as principals, agents, servants, employees, assignees, joint  
 21          venturers, predecessors-in-interest, successors-in-interest, and/or co-conspirators and in  
 22          the furtherance of such relationships, and with the full knowledge, acquiescence,  
 23          authorization, permission and consent of their Co-defendants, as principals, and at their  
 24          direction, instance and request. Each of the TWC Defendants was and is a party to an  
 25          agreement, express and/or implied, with the remaining TWC Defendants for a common  
 26          purpose to be carried out by all of the TWC Defendants. Each of the TWC Defendants  
 27          also shared a community of pecuniary interest in that common purpose with each of the  
 28          remaining TWC Defendants, and each of the TWC Defendants had an equal right to a

1 voice in the direction of this common purpose and/or enterprise, which gave each of the  
 2 TWC Defendants an equal right of control in this common purpose and/or enterprise. More  
 3 specifically, as alleged herein, TWC Defendants agreed to share a community of interest  
 4 with each and one another and were intricately involved in the common purposes/joint  
 5 enterprises of storm chasing, filming extreme weather conditions and in reality television  
 6 programming through the national broadcasting of their collective body of work for which  
 7 TWC Defendants shared a community of pecuniary interest in the form of huge benefits  
 8 and compensation through salaries, payment of expenses, branding, good will,  
 9 advertisements and/or the airing of commercials. Plaintiff is informed and believes that  
 10 TWC programming is received and viewed in approximately 80 million households in the  
 11 United States and TWC broadcasts approximately 90 hours of live content weekly (*See*,  
 12 Nielsen's June 2018 Universe Estimate). Plaintiff is further informed and believes and  
 13 thereon alleges that each such TWC Defendant committed, participated in, partnered,  
 14 approved, consented to, ratified, authorized, directed, controlled and/or performed the  
 15 acts, omissions, transactions and occurrences which constitute the common purposes/  
 16 joint enterprises of storm chasing, filming extreme weather conditions and reality television  
 17 programming, which resulted in the Subject Accident that gave rise to this action.

18 22. Plaintiff is informed, believes, and based thereon alleges that at all times  
 19 herein mentioned, each of the TWC Defendants, was the alter ego of each other TWC  
 20 Defendant. There is such a unity of interest and control between and among the TWC  
 21 Defendants, and each other, that their separate identities have ceased to exist, or never  
 22 did exist. To treat each entity Defendant as separate entities would perpetuate a fraud or  
 23 result in gross injustice.

24 23. Reserved.

25 24. Reserved.

26 25. [RESERVED].  
 27  
 28



1 IV.

2 CHOICE OF LAW

3 26. Plaintiff alleges a conflict exists between the substantive law of Texas and  
 4 Arizona, Plaintiff's domicile, with respect to the following germane issues: (1) comparative  
 5 fault; (2) Plaintiff's right to recover exemplary damages under **COUNT TWO** alleged  
 6 herein; and (3) the amount of exemplary damages potentially available to Plaintiff under  
 7 **COUNT I, COUNT II** and **COUNT III** alleged herein. Plaintiff requests the Court apply  
 8 Arizona law as to these issues as opposed to Texas law to fully compensate Plaintiff (*see*,  
 9 *Sulak v. American Eurocopter Corp.*, 901 F.Supp.2d 834 (N.D. Texas 2012). As to  
 10 comparative fault, Plaintiff requests the Court apply Ariz. Rev. Stat. § 12-2505 (in conflict  
 11 with Tex. Civ. Prac. & Rem. Code Ann. § 33.001). As to Plaintiff's right to recover  
 12 exemplary damages under **COUNT II** for the wrongful death of her adult son, JAEGER,  
 13 Plaintiff requests the Court apply Ariz. Rev. Stat. § 12-613 [*see also, Quinonez v.*  
 14 *Anderson*, 144 Ariz. 193, 696 P.2d 1342 (Ariz. Ct. App. 1984)] [in conflict with Tex. Const.  
 15 art. 16, § 26; *General Chemical Corp. v. De La Lastra*, 852 S.W.2d 916, 923 (Tex. 1993)].  
 16 As to the amount of exemplary damages potentially available to Plaintiff under **COUNT I,**  
 17 **COUNT II** and **COUNT III**, Plaintiff requests the Court apply Arizona substantive law, which  
 18 does not recognize a fixed standard for the amount of punitive damages that may be  
 19 assessed (in conflict with Tex. Civ. Prac. & Rem. Code Ann. § 41.008).

20 V.

21 FACTS PARTICULAR TO PLAINTIFF'S CLAIMS

22 a. ***Live stream video footage leading up to the collision.***

23 27. Williamson and Yarnall were well-known storm chasers for TWC and stars  
 24 of the TWC show "STORM WRANGLERS". According to Williamson's Facebook profile,  
 25 Williamson started working at TWC on February 26, 2016, listing his occupation as "Storm  
 26 Chaser at The Weather Channel, covering all weather events via Live Stream as it is  
 27 happening." Plaintiff is informed and believes and thereon alleges that Yarnall became  
 28 Williamson's driving partner on April 9, 2016. Plaintiff is further informed and believes and



1 thereon alleges that on or about the summer of 2016, Williamson and Yarnall were  
 2 approached by TWC to star in a new television show ultimately named “STORM  
 3 WRANGLERS” in which Williamson and Yarnall, among other job duties, would operate  
 4 the Suburban to record video footage and as a mobile broadcasting studio to be used by  
 5 TWC employees, to wit, video editors, producers and directors of TWC, to produce the  
 6 television show “STORM WRANGLERS” for national broadcast. Williamson and Yarnall  
 7 agreed to TWC’s proposal shortly thereafter. Plaintiff is informed and believes, and  
 8 thereon alleges that the TWC Defendants benefited financially from their work as storm  
 9 chasers and on “STORM WRANGLERS.” Williamson and Yarnall were paid, among other  
 10 compensation, salaries and their expenses were reimbursed by TWC while TWC directly  
 11 financially benefited from the broadcast of “Storm Wranglers” through the sale of  
 12 advertising and through promotion of TWC itself. TWC’s concept of the new show,  
 13 modeled after David Chun’s work on The Ultimate-Fighter (mixed martial arts cage  
 14 fighting) a Fox Sports Network sporting television broadcast, was described by TWC’s  
 15 own employee, Mina Valizadeh, Direction and Motion Designer, who was responsible for  
 16 concept development, storyboarding, design and animation of the TWC Storm Wrangler  
 17 show package, as follows: “Storm Wranglers is a long form show produced by the  
 18 Weather Channel which presents the adventures of two Storm chasers from Texas: Kelly  
 19 Williamson and Randy Arnold (sic). The concept is introducing the storm wranglers as  
 20 two heroes when they start the adventure of chasing a storm. The combination of footage  
 21 and high contrast illustrations are the general look and direction of the show. The quick  
 22 cuts between illustrative animation and real footage capture the heroic and urgent feeling  
 23 of the show.” Further, Ms. Valizadeh states: “The concept is showing Kelley as the hero.  
 24 The combination of footage and cutting into moving high contrast illustration of him and  
 25 his environment will be the general look and direction. The cuts and quick motion bring a  
 26 sense of thrill for the adventure he will be going through. Here is the inspiration link:  
 27 [http://davidychun.com/The -Ultimate Fighter](http://davidychun.com/The-Ultimate-Fighter).” TWC’s concept of presenting storm chasing  
 28 as an adventurous, thrilling sporting event and to make its two stars “heroes” resulted in

1 the violent death of young JAEGER. TWC Defendants were operating TWC's mobile  
 2 broadcasting studio (the Suburban) at approximately 70 miles per hour racing northbound  
 3 on FM 1081 to film a tornado when it ran the stop sign at that speed at the intersection of  
 4 FM 1081 and FM 2794 and struck the Jeep being operated by JAEGER, killing him.  
 5 JAEGER was lawfully driving westbound on FM2794 and away from that tornado.  
 6 JAEGER was pronounced dead at the scene by first responders and the Dickens County  
 7 Coroner.

8 28. Williamson and Yarnall were working in these capacities at the time of the  
 9 collision. More specifically, Williamson and Yarnall were engaged in the joint enterprise  
 10 of tracking and filming severe weather and live-streaming the footage to Williamson's  
 11 Facebook account and YouTube channel, as well as to TWC's Facebook account, at the  
 12 moment the two vehicles collided when the Suburban driven by Yarnall ran the stop sign  
 13 for its path of travel on Northbound FM 1081. At the time of the collision, and in addition  
 14 to live-streaming the pair's video footage of that day, Williamson was also acting as  
 15 spotter, navigator and monitor of the weather radar display installed in the Suburban while  
 16 the pair attempted to locate and film severe weather (tornados) with the assistance of  
 17 and/or the direction of TWC, which had appeared in the vicinity of Spur, Texas on behalf  
 18 of their employer and/or principal, TWC. The video Williamson live-streamed to his  
 19 YouTube channel, "03-28-17 Tracking Storms in West Texas" ("Video"), contains this  
 20 footage. The duration of the Video is 2 hours, 28 minutes, and 21 seconds ("2:28:21"),  
 21 and it showcases Williamson and Yarnall's travels throughout Texas that day. Due to lag  
 22 between the audio and video, the Video freezes at 2:25:49, at the moment the Defendants  
 23 approached the stop sign, immediately prior to the collision, at approximately 70 miles per  
 24 hour. Defendants failed to stop at that stop sign causing the collision and killing JAEGER.  
 25 The failure to stop at this stop sign was Defendants' fourth such traffic violation that day.

26 29. Throughout the Video, the two can be heard speaking to their employers at  
 27 TWC. At 2:13:30, Williamson tells the audience his stream is being shown on TWC's  
 28 Facebook live. At 2:17:00, Mr. Scott Thompson, Director of Newsgathering for TWC, calls

1 Williamson and speaks to him for over a minute. At 2:21:02, a woman's voice says, "Hey  
 2 Kelley, they still have you up on The Weather Channel full screen." At 2:21:16,  
 3 Defendants' radar spotter, Barry Gray, says, "Kelley, you're on The Weather Channel full  
 4 screen." At 2:21:58, a contact listed in Williamson's phone as "TWC The Weather Cha..."  
 5 calls him; the conversation lasts until 2:25:19. Williamson was streaming the day's footage  
 6 to TWC and had been in contact with TWC contemporaneously with the Subject Accident.

7 30. The Video also showcases four other instances of Williamson and Yarnall  
 8 running stop signs, besides the one that led to the Subject Accident, at 1:05:10, 1:08:15,  
 9 2:03:27, and 2:06:08. The running a stop sign incident at 2:03:27 occurs at the same  
 10 intersection where the Subject Accident occurred as Williamson and Yarnall travel  
 11 southbound on FM 1081. At 2:25:49, they approach the intersection of the Subject  
 12 Accident for the last time, traveling northbound on FM 1081. Prior to that stop sign, four  
 13 signs indicate the approach of a stop-controlled intersection. The first warning is a  
 14 "Highway Intersection Ahead" sign. After this, a "JCT 2794 Farm Road" sign indicates the  
 15 approaching junction with FM 2794. After this, there is a stop sign warning sign. After  
 16 this, a sign indicates that the city of Spur is to the right, and White River Lake is to the left,  
 17 implying that these locations are accessible via FM 2794. Finally, there is the stop sign,  
 18 itself. The Video ends abruptly just before the collision, as the Suburban travels full-speed  
 19 towards the stop sign. The warning signs, as well as the stop sign, itself, are all clearly  
 20 visible and unobstructed through the lens of the video equipment being used and deployed  
 21 by the TWC Defendants. At this time, Defendants were attempting to track down and film  
 22 tornadoes in the region, and at the time of the Subject Accident it was raining. It is believed  
 23 their speed at the time of driving through the stop sign and at impact with the Jeep was  
 24 approximately 70 miles per hour. Notably, no one from TWC mentions or refers to the  
 25 pair's blatant and repeated traffic violations during the Video.

26 ***b. The Suburban's windshield was dangerously obstructed.***

27 31. While the stop sign before the intersection of the Subject Accident was  
 28 unobstructed, the windshield of the Suburban operated by Defendants was obstructed.

Defendants had an array of expensive storm tracking and broadcast equipment, which Plaintiff is informed and believes and thereon alleges, was paid for and installed by TWC. This equipment dangerously limited Defendants' field of vision. Photos and video that Yarnall and Williamson uploaded to their respective social media accounts showcase the poor visibility they had from their positions in the Suburban. In a December 29, 2016 interview on the podcast "Storm Front Freaks," Williamson stated, "If anyone's ever seen [the Suburban], they wonder how I get in it. I've got a pretty good-sized computer sitting here in front of me and one camera up in the windshield and then I've got another console here that I run a camera that's actually up on top of my vehicle. Then I've got up on the dash a live view that I actually stream back to TWC with. It's kind of like crawling into a cockpit. There's not a lot of room." In another live-stream broadcast uploaded to his YouTube channel two days before the subject accident titled "03-26-17 Tracking Storms in Okla and Texas", Williamson actually states at mark 13:09 on the stream, while speaking live with TWC, "A lot of times, you can see more in your camera lens than you can actually by eye, so I've actually got a screen in front of me that I pretty much watch and a lot of times I can see more on it than by looking out the windows."

32. This equipment also dangerously obstructed the view of the Suburban's driver, Yarnall. A photograph depicting the driver's perspective from inside the Suburban taken about twenty minutes before the Subject Accident occurred shows Yarnall's cellphone mounted on the bottom left portion of the windshield, with a radar application open on the screen, showcasing the region's weather patterns. Thus, Yarnall, the designated driver, had access to, used and deployed, while driving, TWC equipment that distracted Yarnall in the operation of the Suburban and obstructed his view of the roadway.

***c. Williamson and Yarnall were habitually reckless and dangerous.***

33. The reckless and irresponsible driving employed by Williamson and Yarnall and TWC on the day of the Subject Accident was, unfortunately, not an aberration. To the contrary, it was the culmination of a long and well-documented history of dangerous behavior behind the wheel. In other videos on Williamson's YouTube channel, which

1 showcase entire days of storm chasing, Williamson and Yarnall show time and again their  
 2 disregard of basic traffic safety laws. In just fourteen (14) of these videos (a mere fraction  
 3 of roughly 223 posted videos), the pair runs approximately eighty (80) stop signs, four (4)  
 4 red lights, and one (1) out-of-service traffic light. Williamson, who, along with TWC, at all  
 5 relevant times alleged herein, including the day of the Subject Accident, directed Yarnall's  
 6 driving while storm chasing can often be heard saying, "Clear," informing Yarnall that he  
 7 (Yarnall) has the go-ahead to ignore the stop signal. Further, they frequently drove at high  
 8 speeds in severe weather conditions and made dangerous, illegal passes of other cars,  
 9 even with hail on the ground. Williamson can sometimes be heard instructing Yarnall to  
 10 make these maneuvers, as one example: "If you can, get around them." There are also  
 11 numerous instances of the pair driving on the wrong side of the road, both by accident and  
 12 by design. Williamson also frequently encouraged Yarnall to drive more aggressively in  
 13 order to get into better positions from which to film storms, especially when they were out  
 14 of position or in the wrong town. He often made comments like: "Go, go, go Randy. This  
 15 is something you don't get much. Keep going"; "That way, straight ahead, just lay it on";  
 16 "Keep going, keep going Randy"; "Get on it, get on it, come on, get it up there. Take it out  
 17 of four-wheel drive"; "Fifty – not going fifty. Crank it"; "Just go as hard as you can." "Get  
 18 back in it if you can." "We're getting out of it." "See if you can get in this one"; and "Gonna  
 19 need to get up here as quick as we can. Just do what you can do to get us up there."  
 20 Williamson even joked about Yarnall's aggressive driving: "We're gonna be testing  
 21 Randy's driving skills today"; "Yeah, I got Randy driving. He's my nitrous tanks"; and "I  
 22 could say you drove your ass off."

23 34. Yarnall also made light of his own driving behavior. On October 8, 2016,  
 24 Williamson posted a photo to his Facebook account of the Suburban, with TWC's logo on  
 25 the rear passenger door, getting its transmission replaced, with the following caption: "Just  
 26 about has a new transmission' – at Jon Murdock Chevrolet Cadillac Mitsubishi." An  
 27 individual commented on the photo, implying that Yarnall's aggressive driving was the  
 28 cause for the need of a new transmission: "Randy's hot rodding?" Yarnall replied to the

1 post “Go go go lol [sic].” On October 26, 2016, Yarnall made his Facebook profile picture  
 2 a short, repeating video of a tornado. The footage appears to have been shot from the  
 3 driver’s side window while the vehicle was in motion, as the driver’s side mirror was closely  
 4 visible in the video and one can see trailing traffic in that mirror. An individual posted a  
 5 comment asking, “What is the location?” Yarnall replied, “That was the Dodge city one in  
 6 may [sic]. Cell phone out the window.” Another individual commented on the same video:  
 7 ‘I remember thinking at the time “please lord, two hands on the wheel...”’ In response,  
 8 Yarnall replied, “Lol.” It appears that Yarnall filmed the tornado with his cell phone being  
 9 held and operated by his left hand out the driver’s side window of the vehicle he was  
 10 driving and then bragged about it on social media. Further, in one of Williamson’s storm  
 11 chasing videos “02-28-17 Tracking Severe Storms in Missouri 2”, taken one month prior  
 12 to the subject accident, Williamson mentioned that TWC was following their live stream:  
 13 “They’re listening. Scott [Thompson]’s listening.” Yarnall responded, “If you’re listening,  
 14 hang on. I’m gonna have to do some offensive driving.” Roughly eight minutes later at  
 15 31:56, Yarnall and Williamson run a stop sign while turning left at an intersection as it hails.

16 ***d. TWC consistently monitored and directed Williamson and Yarnall.***

17 35. In-studio representatives of TWC closely monitored and controlled  
 18 Williamson and Yarnall as Williamson live-streamed so that the in-studio, on-camera  
 19 anchors could showcase his live-streams and interview him when he captured particularly  
 20 exciting footage. In a video “03-24-17 Tracking Storms in NE Texas” (50:37 duration), just  
 21 four (4) days prior to the fatal collision, Williamson and Yarnall were parked, filming rain  
 22 and clouds, while trying to determine their plan of action. At 32:45, Williamson received a  
 23 text from TWC and Williamson says, “They said they’re listening to you reading the radar,  
 24 Randy. Are you talking to yourself? This thing’s turned up too high. I think they can hear  
 25 us think.” Yarnall had been muttering to himself under his breath while evaluating the  
 26 storm’s radar data, and someone at TWC texted Williamson to inform him that they could  
 27 hear Yarnall doing so. In another video from the same day, “03-24-17 Tracking Storms in  
 28 NE Texas” (10:27:37 duration), Williamson went live on TWC with TWC’s employee, Chris



1 Warren ("Warren") at 6:11:34. Towards the end of their live session, Warren states,  
 2 "Alright, storm tracker Kelley Williamson. You keep an eye on the sky, and we'll keep an  
 3 eye on your camera, and we will check back on you a little later." Warren then stated on-  
 4 air that TWC would continue to watch Williamson's live-stream. Such occurrences are  
 5 commonplace throughout the numerous videos posted by Williamson.

6 36. These in-studio TWC representatives did more than monitor the pair's  
 7 footage; they instructed Williamson and Yarnall to perform certain actions. For example,  
 8 in the video "03-15-17 Tracking Lake Effect Snow" (6:47:15 duration), the pair decided to  
 9 find a suitable location to pull over so that they could remove ice accumulated on the  
 10 equipment mounted to the vehicle's roof. At 1:11:30, they pull into a car wash, and the  
 11 camera is directed at a wall as Williamson removes the ice. Less than five minutes later  
 12 at 1:16:18, Yarnall informs Williamson that TWC notified him via Facebook that he needed  
 13 to move his camera to capture a better image than the wall in front of their vehicle. In  
 14 response, Williamson promptly readjusted the camera to face outside of the car wash to  
 15 capture the snowy weather conditions. It was not unusual for Williamson and Yarnall to  
 16 receive such specific directives from TWC. In other videos, TWC informed them of the  
 17 days they would be working and the days they would have off, as well as the locations to  
 18 which they would be sent.

19 37. In another video, "01-21-2017 Tracking Storms in Dixie Alley" (5:11:02  
 20 duration), TWC used the Suburban as a mobile broadcasting studio. In this footage shot  
 21 near Hattiesburg Mississippi, Williamson and Yarnall transport two local residents injured  
 22 by a tornado to a local hospital. In route, Williamson, Yarnall and TWC turn on the  
 23 Suburban's onboard cameras and conduct an interview of the tornado victims, which was  
 24 broadcast live nation-wide from the interior of the moving Suburban.

25 ***e. TWC encouraged the pair's recklessness and set the stage for this tragedy.***

26 38. TWC characterized and advertised Williamson and Yarnall's show "STORM  
 27 WRANGLERS" as a dangerous enterprise. The name "STORM WRANGLERS" itself  
 28 connotes rushing into harm's way, riding and wrestling storms. The "logo" for the "STORM



1 WRANGLERS” television show depicts Williamson and Yarnall roping a tornado. Instead  
 2 of using meteorologists experienced in the tracking of tornados, however, TWC knowingly  
 3 chose two chicken farmers and cattle ranchers from Missouri without any emergency/first  
 4 responder or meteorological training to star in their show. TWC then instructed and  
 5 directed them to barrel into dangerous weather conditions to obtain footage, needlessly  
 6 endangering local residents fleeing impending catastrophe and trained first responders.

7 39. On September 29, 2016, TWC issued a press release: ‘Network Announces  
 8 “Storm Wranglers” Two-Week Event.’ The announcement stated, ‘The Weather Channel  
 9 will also [show] “Storm Wranglers,” a special two-week event kicking off Sunday, October  
 10 9 at 9 p.m. EST. Storm Tracker Kelley Williamson and partner Randy Yarnall go head-to-  
 11 head with every storm imaginable including powerful tornadoes and supercell  
 12 thunderstorms. The Missourian duo truly love tracking storms in a down-home, authentic  
 13 way.’ It stated further, “[Williamson] has become the eyes and ears on the ground for the  
 14 network when viewers need help the most.” The article quoted Howard Sappington,  
 15 identified as the Vice President of Programming for TWC, saying, ‘Kelley in particular is  
 16 such an interesting and passionate character, and we feel lucky to have him as part of our  
 17 family. We believe both “Storm Wranglers” and “Weather Gone Viral” will not only prove  
 18 to be very exciting to audiences but deliver on our promise to viewers to return to our  
 19 weather roots.’ TWC released the first episode of “STORM WRANGLERS” on October 2,  
 20 2016 and released the second episode on October 9, 2016. Underneath the  
 21 announcement, TWC described a “recently launched community platform,  
 22 weloveweather.tv,” which serves as a website for fans of TWC, operated by TWC.

23 40. On weloveweather.tv, a post by “The Weather Channel Staff” on September  
 24 26, 2016 showcased an “Exclusive Preview of Storm Wranglers!” Part of this promotion  
 25 included an online question and answer session with Williamson, where he posted a short  
 26 biography and answered questions. On September 26, Williamson wrote, “In order to be  
 27 a storm chaser you must: understand the dangers and know your vehicle and your  
 28 limitations on muddy dirt roads.” He continued, “What makes me different from other storm

trackers: when I go chasing I go with the objective of streaming a tornado to the public or The Weather Channel. If I could not stream I would not go.” He continued, “I am not a meteorologist and I’m not an actor but I love chasing tornadoes enough that I think it overcomes my weaknesses.” In a question about his partner Yarnall, he wrote, “Randy has just been chasing with me since April and I have known him all my life we [sic] used to run around as kids on the back-dirt roads of Missouri. We have had a trust that has grown between us and I think if I told him to drive into a lake he would.” On September 30, 2016, Williamson wrote, “The hardest part is the navigating of the roads. To be able to get where you want to be.” He described his education: “I am a self-taught storm chaser. I’ve learned everything I know on the internet – like YouTube training videos and storm-related articles.” He continued, “I’m not a meteorologist. I didn’t go to school for that.” When asked if he ever got frustrated when he could not get to a storm’s location fast enough, he stated, “Every time. You just can’t [get] there fast enough.” When asked how he came to work for TWC, he stated, “Streaming my videos caught their attention. I had a good quality stream and they started buying it so over time I ended up here!” When asked about funding and equipment costs, Williamson wrote, “Luckily I’ve got The Weather Channel to help equipment, but before I had to sell my videos to afford anything. It’s about a week to get more equipment if you don’t have backup.” He continued, “The main cost is fuel for us. We get 3 tanks a day sometimes.” On October 3, 2016, he wrote, “The Weather Channel purchases my fuel since I started working for them.” When asked what his favorite job was, he responded, “What I’m doing right now tracking storms for The Weather Channel man you can’t beat that it’s great.”

41. TWC also purchased insurance policies on Williamson and Yarnall, as indicated by Williamson in a live-streamed video taken less than two weeks before the subject accident. In “03-15-17 Tracking Lake Effect Snow” at 6:37:12, Williamson explains why TWC did not allow fans to ride along with him and Yarnall during their chases, stating, “Right now the insurance and that is just on me and Randy and cameramen and stuff like that and it’s all through The Weather Channel, so right now there’s some legal stuff that

1 won't cover other people. If a piece of hail hits you in the head, they don't want to get  
 2 sued." Notably, two days before the subject accident in the video "03-26-17 Tracking  
 3 Storms in Okla and Texas", another storm chaser asked Yarnall at 1:53:41 if he and  
 4 Williamson are "with The Weather Channel" or "just independent." Yarnall replied, "We're  
 5 with them. We work for them."

6 ***f. TWC was aware the pair drove dangerously and the risk they posed to others.***

7 42. Importantly, TWC was fully aware of and had been warned by third parties  
 8 that their "STORM WRANGLERS" engaged in reckless driving before this tragedy. In one  
 9 instance, another storm chaser, who had also been featured on TWC on multiple  
 10 occasions and knew Williamson and Yarnall personally, exchanged a series of text  
 11 messages with Kathryn Prociv ("Prociv"), a producer of the television show "STORM  
 12 WRANGLERS" and meteorologist for TWC, concerning the dangerous nature of the  
 13 driving habits of the "STORM WRANGLERS." On December 4, 2016 (approximately four  
 14 months before the Subject Accident), this storm chaser texted Prociv: *"As far as Storm  
 15 Wranglers: I understand the need and fact for 'dumbing down' for the general public. But  
 16 I'm gonna be honest here (and I hope you take no offense at what I am going to say  
 17 please... the fact of re matter is that you have 2 very inexperienced, new and uneducated  
 18 'chasers' .... talk about liability. See where I am going with this?.... I'm not gonna badmouth  
 19 Kelly but I'm not gonna lie either."*

20 43. On March 4, 2017 (24 days before the Subject Accident), after nationally  
 21 airing a segment that showed Williamson traveling over 90 mph to try to reach a storm,  
 22 Prociv wrote the same storm chaser: *"So great to hear from you. Ugh frustrating for you  
 23 and us! I forwarded some notes from your message to my boss Mike Chesterfield.  
 24 Hopefully he gets back to me this upcoming week. I'm not sure if you happened to catch  
 25 any of Kelley's movements, but he put himself in a VERY bad spot, live on air, so god  
 26 forbid if anything happened we would have seen it happen live on air. NOT GOOD."* Mike  
 27 Chesterfield was at the time of JAEGER'S death, and is currently, Director, Weather  
 28 Presentation and an Executive Producer for and a managerial employee of TWC.

1           44. Later that day (March 4, 2017), the storm chaser responded: *"Oh yeah, I saw*  
 2 *it... I [message missing] "bad guy" but I'm going to be honest with you – it's only gonna*  
 3 *get worse. You and I both know that you absolutely cannot put yourself in a position like*  
 4 *that... storm movements being so fast leaving little time to react and losing situational*  
 5 *awareness simply due to inexperience. Doing 90+mph to get to the position he was is just*  
 6 *asking for bad stuff and showing or talking about it on his live stream. I just hope he truly*  
 7 *understands the risks associated. The goal isn't to become part of the Weather story, it's*  
 8 *to help tell the Weather story. I know Randy [another chaser] tried to teach him some of*  
 9 *these things in the past and I even tried to educate him privately before you all singled him.*  
 10 *But hey, we were all noobs at some point and learning... we just didn't have a national*  
 11 *audience on us at that time. We are just hoping he doesn't get hurt or hurt anyone else.*  
 12 *There is so much more I'd like to say but I don't want to get involved."*

13           45. On March 29, 2017 (the day after the accident), Prociv and the same storm  
 14 chaser exchanged more messages. Prociv wrote: *"Of course I know what you mean! I*  
 15 *want to be here for you, I do, and I'm more comfortable talking here than on the phone*  
 16 *where they could check my records if they really wanted to. I'm mainly concerned with*  
 17 *how you're holding up. I don't blame you for calling off the chase. It wouldn't have been*  
 18 *safe for you to chase today if your mind was consumed elsewhere."*

19           46. The same day the storm chaser responded: *"Thank you. I'm doing okay. I*  
 20 *mean you know that Kelley and I didn't have the relationship like Tim [storm chaser and*  
 21 *engineer killed in 2013 El Reno tornado] and I. But everything I told him about driving safer*  
 22 *and not being so distracted... and then telling you that I was worried that he was gonna*  
 23 *kill someone or himself... those are the exact messages I shared with you. And then it*  
 24 *happens. So I am obviously in a way dark place right now. I know many of us are. I guess*  
 25 *that's what killin me. I tried to tell him over and over. And then when I saw him yesterday*  
 26 *near Paducah he pulls up and he was driving not Randy, I asked him why he was driving*  
 27 *and not doing the filming in a joking manner he just laughed. We talked about the storms*  
 28 *and the day and then said our goodbyes and good lucks... he drove off. I remember*

1 *thinking hope they are safe today.... And hope they have a good day. I don't know. It's a*  
 2 *rough day. I shut my stream off and went south right after we chatted and man... that was*  
 3 *stupid. It was bad."* Later, Prociv responded: *"Oh wow I didn't realize you chatted with him*  
 4 *yesterday before the storms started. I know you tried to warn him and provide advice*  
 5 *several times, so you did everything you could. You really did. Please don't beat yourself*  
 6 *up over it Lanny. You're all heart and were looking out for everyone's safety. I'm glad*  
 7 *you're headed home. Try and get some much needed rest."*

8         47. Additional messages exchanged between other chasers further confirm the  
 9 warnings given to high managerial agents of TWC regarding Williamson's and Yarnall's  
 10 dangerous driving habits. Furthermore, Plaintiff is informed and believes and thereon  
 11 alleges that at least one individual received a potentially disturbing request from TWC  
 12 immediately after the accident. This individual, another storm chaser, was one of the first  
 13 to arrive at the scene of the Subject Accident, before even emergency personnel. Upon  
 14 arrival, he immediately contacted TWC to notify them that one of their vehicles was  
 15 involved in the collision, which he easily deduced by virtue of the large TWC logo on the  
 16 Suburban. He also recognized Williamson on the side of the road as he was being  
 17 administered CPR. This witness immediately notified Jim Cantore, an extremely well  
 18 known, on-camera meteorologist and television personality for TWC. Shortly after doing  
 19 so, while this witness was speaking to a police investigator at the scene, he received a  
 20 phone call from a woman who claimed to be affiliated with TWC. This woman told him,  
 21 "You've got to get the cameras. Get the cameras." The individual responded that he  
 22 would do no such thing and the call ended. However, minutes later, he received a second  
 23 phone call from a male subject who also claimed to be affiliated with TWC. This male  
 24 subject also told him, "Go get the cameras." Moments later, another person at the accident  
 25 scene approached this individual and stated that he, too, had received a call from TWC  
 26 with instructions to grab the cameras. The individual told this person not to take the  
 27 cameras, as it was a crime scene.

28         48. TWC's Storm Wranglers television show, Season 1, Episode 1, "One Epic

Day” aired nationally on The Weather Channel on October 2, 2016 (hereinafter “OED”). TWC’s Storm Wranglers television show, Season 1, Episode 2, “A Tale of Four Storms” aired nationally on The Weather Channel on October 9, 2016 (hereinafter “TFS”). Each episode demonstrates the level of the involvement that TWC had in the production of its television show and in encouragement of “the chase” of severe storms and in the filming of the recklessness of its employee storm chasers Williamson and Yarnall. The first two episodes were shot in Texas, Kansas and parts of Oklahoma. The trailing credits set forth the names of those involved at TWC in the production of Storm Wranglers. In addition to Williamson and Yarnall, during the filming, TWC had placed in the vehicle being used by its stars one of three photographers, Michael Fomil, Bradley Reynolds and Rodney Hall, employees of TWC and witnesses to Yarnall’s driving. The camera equipment being used was TWC equipment. The episodes OED and TFS that aired show the involvement of TWC television personalities Chris Warren, Carl Parker, Dr. Greg Forbes and Assistant Desk Editor Ryan Sloane, the latter of whom is dubbed by Williamson as “Hash”. The episodes demonstrate the interface and interactions by and between TWC and its broadcast studio named “The Lab” and Williamson and Yarnall, demonstrating, as stated on air by TWC’s Chris Warren, that they can monitor and watch the video feed live being broadcast by Williamson and Yarnall and cut to that live and put what is occurring in the field immediately on the national broadcast by simply raising his hand and cutting to that feed. See, OED 3:25-3:58. Graphics used by TWC in the show explain the activity of Williamson and Yarnall in the field, showing live broadcasting from the vehicle they were operating (OED 10:13; 14:50; 32:46 [the latter showing Yarnall driving while talking on his cell phone] TFS 16:10; 26:10; 28:51; 31:17; 34:35; 35:10; 40:39). The episodes are replete with the “egging on” by Williamson to his driver Yarnall to “go, go, go” and “push it” and Yarnall’s response “I’ve got it to the floor.” The episode demonstrates these storm chasers acting as first responders calling 911 to report tornadoes and representing on the air “yes, this is Kelly Williamson, I’m with the Weather Channel”. (OED 6:50).

49. The fact that TWC was monitoring and directing its employees in the field is



1 also evident in these episodes. At TFS at 21:54, Ryan Sloane, aka “Hash”, is on the air  
 2 from TWC’s production room and he is instructing Williamson and Yarnall to “head west”  
 3 and “hang around the Texas panhandle” and “head to Amarillo.” That same individual,  
 4 who appears many times on the national broadcast, tells Williamson to “call it” for the day  
 5 and “breaking it down for the day” (TFS at 28:51). The bravado of TWC, Williamson and  
 6 Yarnall are also demonstrated in these two episodes and the out and out actual boasting,  
 7 touting and braggart of Williamson and Yarnall knowingly breaking the law is also evident.  
 8 Williamson states in the program that “Randy would go anywhere I tell him to go, ask him  
 9 to go, anywhere I ask him to go.” (TFS at 31:10). Williamson states in Episode 1 that  
 10 “Randy would drive through a brick wall if I told him to.” (OED at 13:37). Williamson is  
 11 interviewed by TWC for inclusion in the episode One Epic Day claiming that Yarnall “just  
 12 goes where I say to go” and the very next scene edited into the program by TWC’s staffing  
 13 shows Williamson and Yarnall sitting at a red light when Williamson says to him “clean,  
 14 go” and Yarnall drives through the red light (OED at 26:28-27:30). TWC’s own editors  
 15 found, edited and used video tape feed that supports Williamson’s claims that Yarnall will  
 16 drive through a brick wall, go wherever he tells Yarnall to go and do whatever he tells  
 17 Yarnall to do, demonstrating that by showing Williamson having Yarnall drive through a  
 18 red light right after a truck drives through the intersection from right to left in front of them.  
 19 Once, when Williamson states “just lay it on” and “get on it” and Yarnall responds “tell me  
 20 what to do” and “I can’t see”, Williamson states “That’s ok” (OED at 35:50).

21 50. TWC had actual knowledge of the poor driving habits of these individuals, to  
 22 the extent that it was apparent it was more likely Williamson and Yarnall would run a stop  
 23 sign than stop at a stop sign. And Yarnall ran a stop sign killing JAEGER. TWC knew  
 24 Williamson and Yarnall drove at unsafe speeds (Williamson states “sometimes we might  
 25 be going faster than we should be going” [TFS at 30:55]). TWC knew storm chasing was  
 26 dangerous (TWC’s Dr. Greg Forbes, “storm chasing is dangerous”, OED at 34:00). TWC  
 27 production and editing personnel as well as its on-air personnel had direct link access to  
 28 what Williamson and Yarnall were seeing and taping. Much footage from Williamson’s



1 YouTube video feeds ended up in Episodes 1 and 2. TWC had the opportunity to pull  
2 these two individuals off the road or hire a competent, law abiding driver. Instead, TWC  
3 made Williamson and Yarnall television stars, breaking laws, driving on private property  
4 (TFS at 38:30), driving off road, in ditches, through hail storms, drive the wrong way on  
5 freeway ramps, on the wrong side of the roadway, through red lights and stop signs, all to  
6 increase the sense of danger to their television audience and sell advertising and have a  
7 hit show. The result was the death of young JAEGER.

8 **VI.**

9 **CAUSES OF ACTION**

10 **COUNT ONE:**

11 **NEGLIGENCE AND GROSS NEGLIGENCE**

12 51. Plaintiff re-alleges and incorporates by reference each of the allegations set  
13 forth in the preceding paragraphs as if set forth fully and reiterated here in their entirety.

14 52. Accordingly, by their actions described herein, all of the Defendants were  
15 negligent, grossly negligent and/or acted with malice in at least the following regards:

16 a. TWC Defendants proximately caused the Subject Accident  
17 and the death of JAEGER by operating a motor vehicle in  
18 violation of Texas Transportation Code §544.010 (failure to stop  
19 at stop sign);

20 b. TWC Defendants proximately caused the Subject Accident  
21 and the death of JAEGER by operating a motor vehicle in  
22 violation of Texas Transportation Code §544.351 (failure to  
23 drive at a speed that was reasonable and prudent under the  
24 existing circumstances);

25 c. Williamson and Yarnall proximately caused the Subject Accident  
26 and the death of JAEGER by operating a motor vehicle with a  
27 dangerously obstructed windshield;

28 d. Williamson and Yarnall were acting within the course and scope

1 of their employment and/or agency with TWC when the acts which  
2 proximately caused the death of JAEGER alleged herein occurred;

3 e. TWC authorized, controlled, managed, encouraged and promoted  
4 the dangerous operation of a mobile live feed studio by their  
5 employees and/or agents, Williamson and Yarnall, inclusive of  
6 encouraging and promoting the dangerous operation of the Suburban  
7 in the filming and capturing of footage for both storm chasing as well  
8 as for the "STORM WRANGLERS" television show;

9 f. High managerial agents of TWC, acting within their scope of office  
10 and/or employment, authorized, requested, commanded, performed,  
11 and/or recklessly tolerated and ignored the dangerous driving  
12 behavior of Yarnall and Williamson without regard for the safety of  
13 others; and

14 g. TWC consciously and recklessly employed, promoted, managed and  
15 controlled two amateur storm chasers without sufficient training,  
16 supervision or experience to operate a mobile live feed broadcasting  
17 studio on public roadways during extreme weather events.

18 53. Defendants' conduct described above constitutes gross negligence,  
19 recklessness, and/or intentional misconduct.

20 **COUNT TWO:**

21 **WRONGFUL DEATH**

22 54. Plaintiff re-alleges and incorporates by reference each of the allegations set  
23 forth in the preceding paragraphs as if set forth fully and reiterated here in their entirety.

24 55. Plaintiff brings this wrongful death claim against Defendants as a statutory  
25 beneficiary and also brings this claim for the benefit of all beneficiaries entitled to bring  
26 this action pursuant to Texas Civil Practice & Remedies Code sections 71.001-71.012.

27 56. Plaintiff is a statutory beneficiary of JAEGER and relied on him for love,  
28 affection, comfort, protection and care.

1 57. Plaintiff is the executor/administrator/representative of the Estate of  
2 CORBIN JAEGER.

3 58. Defendants' wrongful acts caused the death of JAEGER.

4 59. JAEGER would have been entitled to bring an action for his injuries had he  
5 lived.

6 60. As a proximate result of Defendants' conduct, which caused the untimely  
7 death of JAEGER, Plaintiff is entitled to recover, in excess of the minimum jurisdictional  
8 limits of this Court.

9 **COUNT THREE:**

10 **SURVIVAL ACTION**

11 61. Plaintiff re-alleges and incorporates by reference each of the allegations set  
12 forth in the preceding paragraphs as if set forth fully and reiterated here in their entirety.

13 62. Plaintiff brings this survival action claim against Defendants pursuant to  
14 Texas Civil Practice & Remedies Code sections 71.021-71.022.

15 63. Plaintiff is the legal representative of the Estate of CORBIN LEE JAEGER.  
16 Prior to his death, JAEGER had a survival action for himself for the pain and suffering and  
17 expenses JAEGER sustained prior to his death. Plaintiff is appearing in the survival action  
18 as the legal representative of the Estate of CORBIN LEE JAEGER.

19 64. Defendants' wrongful acts led to JAEGER's death.

20 65. As a proximate result of Defendants' conduct, which led to the untimely  
21 death of JAEGER, Plaintiff on behalf of the Estate of CORBIN LEE JAEGER, deceased,  
22 is entitled to recover, in excess of the minimum jurisdictional limits of this Court.

23 **DAMAGES – ALL DEFENDANTS**

24 66. Defendants' acts and/or omissions were the proximate cause of the following  
25 injuries suffered by Plaintiff and decedent:

- 26 a. Actual damages of not less than One Hundred Twenty-Five Million  
27 Dollars and No Cents (\$125,000,000.00);  
28 b. Loss of affection, consortium, comfort, protection and care;

- c. Pain and suffering and mental anguish suffered by JAEGER prior to his death;
- d. Mental anguish and emotional distress suffered by Plaintiff;
- e. Loss of quality of life;
- f. Funeral and burial expenses;
- g. Loss of service;
- h. Exemplary and punitive damages as well as reasonable attorneys' fees authorized by law and costs of court;
- i. Prejudgment interest; and
- j. Post judgment interest.

67. Plaintiff seeks un-liquidated damages in an amount that is within the jurisdictional limits of the court.

**CONDITIONS PRECEDENT**

68. Defendants have actual notice of JAEGER's death and injuries complained of herein. Any conditions precedent have occurred, been performed, or have been waived.

**DEMAND FOR JURY**

69. Plaintiff hereby makes a demand for a jury trial.

**PRAYER**

Wherefore, Plaintiff prays that Defendants be cited to appear and answer herein and, upon final trial hereof, that Plaintiff recovers from Defendants not less than One Hundred Twenty-Five Million Dollars and No Cents (\$125,000,000.00) in actual damages, exemplary damages, pre-judgment and post-judgment interest, costs of court, attorneys' fees all as authorized by law, and such other and further relief, both general and special, at law and in equity, to which they may be justly entitled.

1 DATED: October 1, 2019

LAW OFFICES OF ROBERT A. BALL

2  
3 By: /s/ Robert A. Ball

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1 DATED: October 1, 2019

MCCLESKEY HARRIGER BRAZILL & GRAF LLP

2  
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**CERTIFICATE OF SERVICE**

The undersign hereby certifies that he has served the above and forgoing document in accordance with applicable procedural rules, via ECF, on all counsel of record on this 1st day of October, 2019.

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/s/ Robert A. Ball

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